

Amendment No. 1 to HB1311

Terry

Signature of Sponsor

AMEND Senate Bill No. 937*

House Bill No. 1311

by deleting all language after the caption and substituting:

WHEREAS, it is the intent of the General Assembly to ensure healthcare availability for the general population; and

WHEREAS, there is a well-known physician shortage; now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 63, is amended by adding the following as a new chapter:

63-15-101.

This chapter is known and may be cited as the "Graduate Physicians Act."

63-15-102.

As used in this chapter:

(1) "Graduate physician" means a medical school graduate who:

(A) Is a resident and citizen of the United States or a legal resident alien in the United States; and

(B) Has successfully completed Step 1 and Step 2 of the United States Medical Licensing Examination (USMLE), or the equivalent of Step 1 and Step 2 of any other medical licensing examination or combination of examinations that is approved by the board of medical examiners or board of osteopathic examination, within the two-year period immediately preceding the date of the person's application for licensure as a graduate physician, but not more than three (3) years after graduation from a medical school or school of osteopathic medicine;

(2) "Graduate physician collaborative practice arrangement" means an agreement between a licensed physician and a graduate physician that meets the requirements of this chapter;

(3) "Medical school graduate" means any person who has graduated from a medical school as described in § 63-6-207 or a school of osteopathic medicine as described in § 63-9-104; and

(4) "Primary care services" means medical services in pediatrics, internal medicine, and family medicine.

63-15-103.

A graduate physician collaborative practice arrangement must limit the graduate physician to providing primary care services in a:

- (1) Medically underserved rural area of this state;
- (2) Pilot project area established for graduate physicians to practice; or
- (3) Rural health clinic as defined under §§ 1861(aa) and 1905 of the federal Social Security Act (42 U.S.C. §§ 1395x and 1396d, respectively).

63-15-104.

(a) A graduate physician is considered a physician assistant for purposes of the regulations of the centers for medicare and medicaid services.

(b) Graduate physicians are subject to the supervision requirements established in any controlling federal law, any supervision requirements provided in this chapter, and any supervision requirements established by the board of medical examiners. Graduate physicians are not subject to any additional supervision requirements, other than the supervision requirements outlined in this subsection (b).

63-15-105.

(a) The board of medical examiners, in consultation with the board of osteopathic examination, is authorized to promulgate rules:

(1) To establish the process for licensure of graduate physicians, supervision requirements, and additional requirements for graduate physician collaborative practice arrangements;

(2) To set fees, which must include a requirement that the total fees collected each year must be greater than or equal to the total costs necessary to facilitate the graduate physician collaborative practice arrangement each year; and

(3) To address any other matters necessary to protect the public and discipline the profession.

(b) A graduate physician's license issued pursuant to this chapter and the rules promulgated by the board of medical examiners is only valid for two (2) years from the date of issuance and is not subject to renewal. The board of medical examiners or board of osteopathic examination may deny an application for licensure or suspend or revoke the license of a graduate physician for violation of the standards provided in §§ 63-6-214 and 63-9-111, as applicable, or for a violation of the standards of conduct established by the board of medical examiners by rule.

(c) Any rule promulgated under the authority delegated to the board of medical examiners in this chapter becomes effective only if it complies with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

63-15-106.

A graduate physician shall clearly identify as a graduate physician and is permitted to use the identifiers "doctor" or "Dr." A graduate physician shall not practice, or attempt to practice, without a graduate physician collaborative practice arrangement, except as otherwise provided in this chapter.

63-15-107.

The licensed physician collaborating with a graduate physician is responsible for supervising the activities of the graduate physician and must accept full responsibility for the primary care services provided by the graduate physician.

63-15-108.

(a) This chapter applies to all graduate physician collaborative practice arrangements. To be eligible to practice as a graduate physician, a licensed graduate physician must enter into a graduate physician collaborative practice arrangement with a licensed physician no later than six (6) months after the date on which the graduate physician obtains initial licensure.

(b) Only a physician licensed pursuant to title 63, chapter 6 or chapter 9 may enter into a graduate physician collaborative practice arrangement with a graduate physician. Graduate physician collaborative practice arrangements must take the form of a written agreement that includes mutually agreed upon protocols and any standing orders for the delivery of primary care services. Graduate physician collaborative practice arrangements may delegate to a graduate physician the authority to administer or dispense drugs and provide treatment, as long as the delivery of the primary care services is within the scope of the graduate physician's practice and is consistent with the graduate physician's skill, training, and competence and the skill, training, and competence of the collaborating physician. The collaborating physician must be board-certified in the specialty that the graduate physician is practicing, which must only include pediatrics, internal medicine, or family medicine.

(c) The graduate physician collaborative practice arrangement must contain the following provisions:

(1) Complete names, home and business addresses, and telephone numbers of the collaborating physician and the graduate physician;

(2) A requirement that the graduate physician practice at the same location as the collaborating physician;

(3) A requirement that a prominently displayed disclosure statement informing patients that they may be seen by a graduate physician, and advising patients that the patient has the right to see the collaborating physician, be posted in every office where the graduate physician is authorized to prescribe;

(4) All specialty or board certifications of the collaborating physician and all certifications of the graduate physician;

(5) The manner of collaboration between the collaborating physician and the graduate physician, including how the collaborating physician and the graduate physician will:

(A) Engage in collaborative practice consistent with each professional's skill, training, education, and competence; and

(B) Maintain geographic proximity. However, the graduate physician collaborative practice arrangement may only allow for geographic proximity to be waived for no more than twenty-eight (28) days per calendar year for rural health clinics, as long as the graduate physician collaborative practice arrangement includes alternative plans as required in subdivision (c)(5)(C). The exception to the geographic proximity requirement applies only to independent rural health clinics, provider-based rural health clinics if the provider is a critical access hospital as provided in 42 U.S.C. § 1395i-4, and provider-based rural health clinics if the primary location of the hospital sponsor is more than

twenty-five (25) miles from the clinic. The collaborating physician must maintain documentation related to the geographic proximity requirement and present the documentation to the board of medical examiners upon request;

(6) A requirement that the graduate physician shall not provide patient care during an absence of the collaborating physician for any reason;

(7) A list of all other graduate physician collaborative practice arrangements of the collaborating physician and the graduate physician;

(8) The duration of the graduate physician collaborative practice arrangement between the collaborating physician and the graduate physician;

(9) A provision describing the time and manner of the collaborating physician's review of the graduate physician's delivery of primary care services. The provision must require the graduate physician to submit to the collaborating physician a minimum of twenty-five percent (25%) of the charts documenting the graduate physician's delivery of primary care services for review by the collaborating physician or by any other physician designated in the graduate physician collaborative practice arrangement every fourteen (14) days after the initial observation year. For the first three (3) months of the initial observation year, the collaborating physician shall review one hundred percent (100%) of the charts documenting the graduate physician's delivery of primary care services. For months four (4) through twelve (12), the collaborating physician shall review seventy-five percent (75%) of the charts documenting the graduate physician's delivery of primary care services; and

(10) A requirement that a collaborating physician be on premises if the graduate physician performs services in a hospital or emergency department.

63-15-109.

(a) The board of medical examiners, in consultation with the board of osteopathic examination, shall promulgate rules regulating the use of graduate physician collaborative practice arrangements for graduate physicians. The rules must specify:

(1) The geographic areas to be covered;

(2) The methods of treatment that may be covered by the graduate physician collaborative practice arrangement;

(3) The educational methods and programs to be performed during the collaborative practice service, developed in consultation with deans of medical schools and primary care residency program directors in this state, which must facilitate the advancement of the graduate physician's medical knowledge and capabilities, the successful completion of which may lead to credit toward a future residency program that deems the documented educational achievements of the graduate physician through the methods and programs acceptable; and

(4) Require review of the services provided under a graduate physician collaborative practice arrangement.

(b) A collaborating physician shall not enter into a graduate physician collaborative practice arrangement with more than three (3) graduate physicians at the same time.

63-15-110.

(a) The board of medical examiners, in consultation with the board of osteopathic examination, shall promulgate rules applicable to graduate physicians that are consistent with the guidelines established for federally funded clinics. The rulemaking authority granted to the board of medical examiners in this subsection (a) does not extend to graduate physician collaborative practice arrangements of hospital employees providing inpatient care within hospitals.

(b) The state board of medical examiners or board of osteopathic examination shall not deny, revoke, suspend, or otherwise take disciplinary action against a

collaborating physician for primary care services delegated to a graduate physician as long as the provisions of this section and any applicable rules promulgated by the board of medical examiners are satisfied.

(c) Within thirty (30) days of any licensure change, the state board of medical examiners or board of osteopathic examination must require every physician to identify whether the physician is engaged in a graduate physician collaborative practice arrangement, and to report to the board the name of each graduate physician with whom the physician has entered into an arrangement. The board may make the information available to the public. The board shall track the reported information and may routinely conduct reviews or inspections to ensure that the arrangements are being carried out in compliance with this chapter.

(d) A contract or other agreement cannot require a physician to act as a collaborating physician for a graduate physician against the physician's will. A physician has the right to refuse to act as a collaborating physician, without penalty, for a particular graduate physician. A contract or other agreement cannot limit the collaborating physician's authority over any protocols or standing orders, or delegate the physician's authority to a graduate physician. However, this subsection (d) does not authorize a physician in implementing protocols, standing orders, or delegation to violate applicable standards for safe medical practice established by a hospital's medical staff.

(e) A contract or other agreement cannot require a graduate physician to serve as a graduate physician for any collaborating physician against the graduate physician's will. A graduate physician has the right to refuse to collaborate, without penalty, with a particular physician.

(f) All collaborating physicians and graduate physicians under a graduate physician collaborative practice arrangement must wear identification badges while acting within the scope of the arrangement. The identification badges must prominently display the licensure status of the collaborating physician and the graduate physician.

63-15-111.

(a) The collaborating physician must complete a certification course, which may include material on the laws pertaining to the professional relationship. The certification course must be approved by the board of medical examiners or board of osteopathic examination.

(b) A graduate physician collaborative practice arrangement supersedes current hospital licensing regulations governing hospital medication orders under protocols or standing orders for the purpose of delivering inpatient or emergency care within a hospital as defined in § 68-11-201, if the protocols or standing orders have been approved by the hospital's medical staff and pharmaceutical therapeutics committee.

SECTION 2. Tennessee Code Annotated, Section 63-9-113, is amended by deleting the language "or a pharmacist" and substituting instead the language "a graduate physician, or a pharmacist".

SECTION 3. For purposes of promulgating rules, this act takes effect upon becoming a law, the public welfare requiring it. For all other purposes, this act takes effect January 1, 2025, the public welfare requiring it.